

**MEMORIAL**

OF

**A COMMITTEE OF THE CITIZENS**

OF

**PHILADELPHIA,**

**IN FAVOR OF THE PASSAGE OF A LAW TO ESTABLISH AN UNIFORM  
SYSTEM OF BANKRUPTCY.**

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**JANUARY 9, 1821.**

**Read, and committed to the Committee of the whole House, to which is committed  
the Bill to establish an uniform system of Bankruptcy  
throughout the United States.**

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**1821.**

A COMMITTEE OF THE CHURCH

PHILADELPHIA

IN FAVOR OF THE PASSAGE OF A BILL TO REPEAL THE  
SYSTEM OF SLAVERY

JANUARY 2, 1851

Read and committed to the Committee of the Church of the  
the Bill to establish an anti-slavery society in  
throughout the United States

WILLIAM L. GAY

SECRETARY OF THE CHURCH

1851

## MEMORIAL.

*To the Senate and House of Representatives of the United States of America in Congress assembled.*

To equalize the rights and privileges of all classes, and to render the condition of every citizen free and unshackled, both as to mental and corporeal faculties, is the principal on which our great republican fabric is founded, and one which should never be out of view as we progress in the superstructure. Although an incipient equality of condition may be imagined, and may have been possible at some period, or at least a situation of relative equality, yet, from the changes and vicissitudes incident to the progression of human affairs, casualties are fairly to be anticipated, and a variety of circumstances combine to subvert the usual order of men and things, and produce results at once calamitous and unforeseen.

Of the changes of condition to which the citizens of our country, in a civil or political point of view, are exposed, none seem so strongly to affect the subjects of its operation as the reverses incident to *trade*; and the occasionally disastrous consequences to those engaged in it. For most of the mental or corporeal maladies, which affect the human species, remedies are provided, which tend either to entirely cure, or partially alleviate, the disease; political convulsions at some time terminate in a calm, and settled tranquillity is the result of long commotion. But, for the disasters of the unfortunate tradesman, or the insolvent debtor, no adequate remedy is now in existence; 'tis true, that, like the suffering patient who is lulled into temporary repose by a lethargic dose, the unfortunate debtor, by exhausting all his means, and turning himself naked on the world, may gain a temporary respite from the pursuit of his creditors, but only to await the first signals of returning animation for a renewed attack. If there is an object worthy of the commiseration of the wise and good among men, who has been guilty of no crime, nor subject to any penalty, it is that unfortunate man, who, from hopes as towering as any which life affords, and prospects as flattering as prosperity could make them, in the full glow of life and animation, and in the vigorous pursuit of industrious accumulation, is, by a sudden reverse of fortune, precipitated from the summit of his hopes, his fairest prospects blighted, his means exhausted, and himself and family reduced to the humblest penury, and encumbered with a load of debt which each day increases, never to be discharged. With this oppressive weight adhering to him, poverty for his companion, and no ray of hope in prospectus, what remains for this man but the most gloomy foreboding? That a well digested system of *bankruptcy* would add much to the ameliora-

tion of society, the interest of its various members, and to the general good, is a proposition which only requires examination to become amply demonstrable.

That part of the community which appears most materially interested in the establishment of some uniform system of bankruptcy throughout the Union, is the class designated mercantile. But the benefits to be experienced from a well organized plan of relief to distressed debtors, and of equal distribution of the effects of those in failing circumstances, would be felt more or less beneficially, through all the ramifications of society, and its influence would be seen in the commercial concerns of the country, regulating, with an equitable hand, the affairs of those who had fallen into misfortune, and apportioning, with equal justice, the share of loss to be borne by those affected. That such a system would operate no less to the benefit of those possessing the most ample means, and in circumstances remote from embarrassments, than to those who require its immediate application, may become evident to every reflecting mind.

Most, or perhaps all, of the states in the Union, have enacted some kind of insolvent laws, whereby the persons of unfortunate debtors may be discharged from prison, on surrendering all their effects; and even this partial relief, in some of the states, is of late origin.

But, although an insolvent law, in most cases, operates as a discharge of the person from actual confinement, and the debtor after surrendering all, and being reduced to the lowest grade of poverty, is turned naked on the world, and may thereby obtain the liberty of *locomotion*, yet his incentives to industry and accumulation are removed, and the means destroyed, inasmuch that the weight of debt yet hangs suspended over him, ready in the hands of some greedy creditor, to fall upon any thing valuable he might acquire. Under such circumstances exertions are fruitless, and incitements to exertion extremely rare. 'Tis not the nature of man to labor without hope of reward; hope is an enticing goal, which leads the mind and body in one unvaried course toward its object, and when that is in prospect, no dangers can appal, no difficulties discourage. But, when desponding nature sinks beneath a weight of pressures, when exertion seems fruitless, and expectation vain and delusive, the mind of man revolts at the idea of energy, and sinks into apathy and unconcern.

But another ill consequence arising out of, or produced by, the present laws relative to insolvents, is the liberty which they allow the debtor of disposing of his effects without regard to equality of payment, or proportionate distribution; it leaves the person who finds himself in embarrassed or insolvent circumstances, not having sufficient to pay all, at liberty to prefer one to another, of paying his entire means to some favored creditor, while one equally deserving remains without any provision; from this inequality of distribution proceeds a large portion of the commercial distress which pervades the country.

In every failure which occurs, and in every case of insolvency, (or nearly so,) the debtor has the means of discharging a certain propor-

tion of all he owes; if his effects are applied to the payment of each debt in regular and fair equation, the loss will be equalized, and may not be felt; if allowed to apply the whole to some, and none to others, to those thus deprived of their just share, it becomes a matter of serious, and perhaps ruinous, consequence. At the same time that the system here proposed provides for the equitable arrangement of the effects of those in failing circumstances, it holds out the prospect of relief to all who, thus situated, can manifest that their course has been upright and honest. It affords no protection to the fraudulent, no inducement to the spendthrift, but to the unfortunate tradesman, who, in the ordinary course of business, by some of the vicissitudes incident to human affairs has become reduced to poverty and distress, it affords the prospect of relief from embarrassments, and restoration to activity and exertion. While operating as a check on those who with ample means might be disposed to disregard their engagements, it has the effect of speedily and fairly testing the reality or fiction of men's commercial standing, and preventing the numerous impositions which have grown so common in the commercial world, by the operation of fictitious credit. To the prevalence of this visionary capital, which has afforded credit and consequence to those whose real means entitled them to neither; to the indulgence of the rapid schemes of speculation, growing out of credit unrestrained, and resources unknown, can fairly be traced much of the commercial misfortunes which have followed the track of many during the last preceding years.

That the system here proposed would tend to regulate the real and substantial concerns of trade, and fix with promptness and precision the boundaries which divide fiction from reality, thereby preventing, in some degree, the visionary speculator from pursuing his blind career, until he involves in his disasters the innocent and confiding friends who rely on his means, and the unsuspecting farmer, whose pursuits in life deprive him of the opportunity of knowing the situation of those engaged in trade—that morality, honesty, and virtue, would be promoted by such a system, seems equally evident. Arguing from the natural impulse of the human heart, we could not fail to arrive at the conclusion, that he whose whole conduct and transactions are subject to the scrutiny of his fellow men, and his good or bad condition, in some degree, or perhaps entirely, dependent on the result of such investigation, has more inducements for propriety of conduct, and honesty, in all his transactions, than him who, finding himself reduced to extremity, and without hope of relief, is not subjected to the necessity of undergoing the scrutiny of any eye. To the first, all the hopes and expectations which he may entertain of relief from embarrassments, and future prosperity, and freedom through life, are urging him to the performance of his duty, with fidelity, in the conductment of his affairs, so that, when required, they may bear the strictest investigation. But, on the other hand, to the insolvent debtor, or one who now finds himself embarrassed beyond the hope of extrication, what is the future prospect presented to his view? what

further relief is held forth to him who surrenders all, after having lived sparingly, and labored faithfully for the benefit of his creditors, than to him who banquets on the fragments of his wreck, and spends a life of idleness and inactivity, without regard to his engagements, or without care of his means? To each the same gloomy prospect appears in contemplation; 'tis but to be a slave for life, whether with humble and laborious endurance, or with listless apathy and unconcern.

The poor African, without the knowledge of his wants, devoid of the intellectual torments which are produced by dependence and subjection, to a mind nurtured in the habits of liberty and intelligence, stands on ground far more enviable than that maintained by the insolvent debtor. For the slave, the owner is compelled by the laws of the land to provide sustenance and shelter, a home and a peaceful fireside; a meal uninterrupted by intrusive care, or the more intrusive calls of rapacious creditors, is the lot of every, even the poorest slave, that dims our country's fame. To him his daily occupation is his only care:

"His nights are calm, his sleep profound,  
Altho' his pillow be the ground."

But, to the poor insolvent, who has known better days; one, perhaps, reared in the lap of ease and affluence, in the full glow of life and prosperity, and the enjoyment of intellectual refinement, and nature's choicest blessings, the cup of sorrow is presented, the chilling blast of penury shoots through every vein, and even poverty itself is not the summit of his woes. After seeing himself, and perhaps his family, turned pennyless on the world, to struggle through its turbid scenes, where nothing is before them but endless encumbrances, with debts unpaid and daily increasing, with creditors waiting with anxious avidity for the first dawn of restored activity, in order to pluck from them their earnings as they come to hand: when the downy pillow, on which should slumber in peace the partner of his cares, and objects of his affection, is no less subject to be torn from beneath their head, than the sustenance with which he may provide for their existence—with such difficulties, what is there in the human composition that could create a reasonable hope of happiness? What is there to excite to industry, to emulate to activity and exertion, or to preserve even the ordinary faculties of the mind in their usual channel.

Is it a matter of astonishment, that, under such circumstances, the brightest genius is overclouded, the best and most upright citizen converted into an object of misery and despair.

Recurring to the history of former times, from causes similar to those described, may be deduced events which shook to the foundation those governments in which they occurred, and produced commotions most serious and alarming. We there find these unfortunate men, who had, by misfortune, or otherwise, been reduced to poverty, without prospect of relief, hoping every thing, and fearing nothing,

from a change of circumstances, the first to engage in the scenes of revolution, which often involve whole nations in the most aggravated hostility and bloodshed.

Although such scenes as these may be far from anticipation in our peaceful land, it is no less the interest, and the duty of those who preside over its destinies, in a political point of view, to alleviate the sufferings of that portion which now cries aloud for relief, and free from a state of the most abject vassalage a large and respectable proportion of those who compose the strength and sinews of our government.

To you who constitute the assembled will of the people, a suffering community now applies for aid, in this their day of distress. Shall they call in vain?

JOHN P. ERWIN,  
THOMAS H. FLETCHER,  
ALPHA KINGSLEY,  
*Committee.*

